

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

KELLY A. MCQUAGE,

Plaintiff/Counter-
Defendant,

v.

Case No. 2:18-cv-02781
Jury Demanded

SAFETY PRODUCTS, INC.,

Defendant/Counter-
Plaintiff.

**PLAINTIFF'S MOTION TO DISMISS UNDER THE DOCTRINE OF FORUM NON
CONVENIENS AND FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN
BE GRANTED**

COMES NOW Plaintiff/Counter-Defendant Kelly A. McQuage (hereinafter "Ms. McQuage"), by and through counsel, and submits her motion to dismiss Defendant/Counter-Plaintiff's, Safety Products, Inc. (hereinafter "SPI"), counter-claim under the doctrine of *forum non conveniens* and for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). In support thereof, Ms. McQuage relies on the Memorandum of Law in Support of Plaintiff's Motion to Dismiss Under the Doctrine of *Forum Non Conveniens* and for Failure to State a Claim Upon Which Relief can be Granted, submitted contemporaneously with this Motion. Ms. McQuage respectfully requests the Court dismiss SPI's counter-claim without prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the above and foregoing document has been served upon all counsel of record in this cause electronically through the Court's ECF filing system, on this the 21st day of December, 2018.

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/s/ J. Mark Griffee